

MINUTES

Rules Review Committee

Senator Mike Vehle, Chair

Representative Timothy Johns, Vice Chair



Three hundred fifty-ninth meeting
Tuesday
August 22, 2016

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

SD School of Mines & Technology
501 E. St. Joseph St., Public Room
Rapid City, South Dakota

University Center
4801 N. Career Ave., Room FADM 145
Sioux Falls, South Dakota

The three hundred fifty-ninth meeting of the Rules Review Committee was called to order by Senator Mike Vehle (Chair) at 10:06 a.m., CT, on August 22, 2016, in Room 414 at the State Capitol, Pierre, South Dakota and via the Digital Dakota Network (DDN) at the following locations: SD School of Mines and Technology, 501 E. St. Joseph St., Public Room, Rapid City, South Dakota and the University Center, 4801 N. Career Ave., Room FADM 145, Sioux Falls, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Phyllis Heineman, and Mike Vehle (Chair) and Representatives Peggy Gibson, Jean Hunhoff, and Timothy Johns (Vice Chair). Staff members present were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was recorded by South Dakota Public Broadcasting. The archived recording is available at the LRC website at <http://sdlegislature.gov> under "Interim."

Approval of Minutes

Representative Gibson moved, seconded by Representative Hunhoff, that the minutes of the July 12, 2016, meeting be approved. Motion prevailed on a voice vote.

Rules Reviewed

Department of Agriculture: South Dakota Animal Industry Board – Amend rules to change and update current language of reference material.

Dr. Dustin Oedekoven, State Veterinarian and Executive Secretary, Animal Industry Board, reviewed the proposed rules.

Representative Gibson moved, seconded by Senator Heineman, that the review of the rules proposed by the Department of Agriculture: South Dakota Animal Industry Board is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.

Department of Game, Fish and Parks – Amend Uses of Parks and Public Lands rules to clarify that the time restrictions applicable to use of the state park system and use of public hunting areas and lake access areas apply to persons who not only enter, but also use or occupy, the areas designated in rule, and repeal a redundant rule that restricts use of bicycles to certain designated areas in Newton Hills State Park and Lewis and Clark State Recreation Area; amend Camping Permits and Rules to limit occupation of a campsite at any state park, recreation area or lakeside use area to 14 consecutive nights and require a person to remove their camping unit from the campsite by check-out time the day following the 14th night for at least one night before reserving the site, or another site, at that location and revise the manner in which campers make reservations for campsites in campgrounds; amend a Possession, Processing and Transportation of Game rule to exempt licensed private shooting preserves from the records requirements set forth in ARSD § 41:06:03:11; amend a Sage Grouse Hunting Season rule and an Application for License rule to establish a two-day season to consist of all public land and private land leased as Walk-In Areas in Harding County and west of US Highway 85 in Butte County, bag limit of one sage grouse per hunter per season, offer 40 licenses allocated by a limited drawing process; amend Fall Wild Turkey Hunting Season rules to set the number of licenses for the Prairie units, dissolve the West River Prairie Unit and in substitute, offer license specific allocations for Unit 30A (Gregory County), Unit 50A (Mellette County), and Unit 53A (Perkins County and that portion of Meade County north of US Highway 212), modify Unit 08A (Davison and Hanson counties) to include an area within immediate vicinity around the city of Mitchell, change the designation of Unit NE1 (Northeast South Dakota) to Unit 48A (Marshall and Roberts counties) and retain the same geographic area open for the fall season, repeal language which limits a person to two fall turkey licenses, and remove the language depicting the license type and number of license from each hunting unit and substitute with the cumulative number of single and multiple tag licenses; amend Antelope Hunting Season rules to add language to clarify that if no licenses are allocated for a specific hunting unit, that unit is dissolved for the purposes of designating areas open to hunting as it pertains to the archery antelope season and the provisions of codified law which describes reduced fee licenses for landowner on own land licenses, and remove the language depicting the license type and number of licenses from each hunting unit and substitute with the cumulative number of single and multiple tag licenses; amend Pheasant Hunting Season for Disabled Veterans rules to establish special pheasant hunts for qualifying disabled resident and nonresident veterans by allowing any nonprofit organization to establish special one-or-two day pheasant hunts during the months of October and November and repeal a rule that requires a disabled veteran be confined to a wheelchair; and amend a Private Shooting Preserves rule to increase the number of harvested preserve birds without plumage attached that may be enclosed in a vacuum-sealed or shrink-wrapped package.

Mr. Bob Schneider and **Mr. Tony Leif** reviewed the proposed rules.

Representative Hunhoff moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.

Department of Labor and Regulation: State Plumbing Commission – Amend rules to exempt Class 1 and above certified water and wastewater operators from the commission's sewer and water licensing requirements and update the Uniform Plumbing Code references to the 2015 edition.

Mr. Mike Richards, Executive Director, reviewed the proposed rules.

Representative Gibson moved, seconded by Senator Vehle, that the review of the rules proposed by the Department of Labor and Regulation: State Plumbing Commission is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.

Department of Labor and Regulation: Appraiser Certification Program – Amend rules to allow appraisers to submit appraisals for compliance review midway through the experience hours required to upgrade to a higher level of licensure or certification; add midway review upgrade fees; establish allegation of non-compliance as the first step for initiation of an investigation and prior to formal complaint charges; and replace the term anonymous complaint with allegation of non-compliance.

Ms. Sherry Bren, Executive Director, reviewed the proposed rules.

Representative Hunhoff moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Labor and Regulation: Appraiser Certification Program is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.

Department of Revenue: Division of Motor Vehicles – Amend rules to have the department conduct the inspection and identification functions of the replacement and assigned vehicle identification number (VIN) system, clarify where applicants need to apply for assigned or replacement VINs and that the department will be scheduling and conducting any required inspections, clarify where applicants need to apply for trailer identification numbers and that the department will inspect and attach the trailer identification number to any trailer weighting 3,000 pounds or more, clarify that the secondary VIN location will now be obtained by the department from the National Insurance Crime Bureau, clarify that the department is ordering, storing, and maintaining information regarding replacement and assigned VIN plates, change the application requirements for an assigned or replacement VIN plate and how the mutilated or damaged VIN plate is removed from the vehicle and returned to the department, clarify who is assigning the new VIN and attaching that VIN to the vehicle, repeal a rule that is no longer needed, clarify and make consistent the numbering system and application process for trailers, clarify that the department assigns VINs to newly constructed vehicles, and clarify that numbers will be affixed to all vehicles, including rebuilds, in the same manner.

Mr. Mike Mehlhaff and **Ms. Rosa Yaeger** reviewed the proposed rules.

Senator Phyllis Heineman asked about the notation in the form and style letter regarding a possible conflict between the proposed change to ARSD 64:30:02:04.01 and SDCL 32-3-22.

Mr. Doug Decker stated it was not clear that the department had exceeded their statutory authority, however, based on discussions with the department, the department will propose legislation to clarify the agency's rule-making authority.

Chair Vehle requested that the department send a follow up letter to the Interim Rules Review Committee regarding the proposed legislation.

Representative Gibson moved, seconded by Senator Vehle, that the review of the rules proposed by the Department of Revenue: Division of Motor Vehicles is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.

Department of Social Services – Amend Economic Assistance, Child Care Services, and Medical Services rules to update certain rules to reflect annual changes, update terminology to align with current practice, implement the Child Care and Development Block Grant Act requirements, repeal duplicative rules, and implement Medicaid coverage groups added by the 2016 legislative session.

Ms. Teresa Schulte, Ms. Carrie Johnsen, Ms. Carroll Forsch, Ms. Jolene Brakke, and Ms. Pat Monson reviewed the proposed rules.

Representative Johns moved, seconded by Senator Bradford, that the review of the rules proposed by the Department of Social Services is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.

Next Meeting Date

The next meeting of the Interim Rules Review Committee will be on Monday, September 26, 2016.

Adjournment

Representative Gibson moved, seconded by Senator Bradford, that the meeting be adjourned. Motion prevailed on a voice vote.

Chair Vehle adjourned the meeting at 1:25 p.m.